

**CITY OF REDMOND PLANNING COMMISSION
MINUTES**

October 28, 2020

COMMISSIONERS PRESENT: Chairperson Captain, Vice Chairperson Nichols
Commissioners East, Knopf, Rajpathak, Shefrin and
Varadharajan

STAFF PRESENT: Kim Dietz, Beckye Frey and Sarah Pyle, Planning
Department

EXCUSED ABSENCE:

RECORDING SECRETARY: Carolyn Garza, LLC

CALL TO ORDER:

The virtual meeting was called to order at 7:00 p.m. by Chairperson Captain.

APPROVAL OF THE AGENDA

MOTION to approve the Agenda by Commissioner Rajpathak. MOTION seconded by Vice Chairperson Nichols. The MOTION passed unanimously.

APPROVAL OF MINUTES

MOTION to approve the September 30, 2020 Minutes by Commissioner East. MOTION seconded by Commissioner Shefrin. The MOTION passes unanimously.

ITEMS FROM THE AUDIENCE: None

Public Hearing, Annual Code Cleanup

Chairperson Captain opened the Public Hearing and stated that a staff memo and other documentation is on record.

Ms. Dietz introduced the presentation and described slides. There were 35 amendments in the package with one amendment recommended for removal, 28 minor amendments and seven focused on transportation.

Ms. Frey stated that no requests to speak or written comments had been received.

Chairperson Captain asked the Commissioners if questions asked at the last presentation had been answered, and Ms. Dietz replied that the first question had been regarding Parsonage. Staff had provided additional information. The item has been paused in order to be included in the code rewrite and the Commissioners had agreed that the step was appropriate.

The second question was regarding Fee Exemption scenarios and Ms. Dietz stated that staff had provided feedback. Commissioner East stated appreciating the additional information and was satisfied to close. Commissioner Shefrin asked for clarification that the part of the code in question would only be triggered by a non-profit organization or if there would be potential for a private entity to use as an incentive. Ms. Pyle replied that the code was open to any private, public or non-profit entity; after five years, there would no longer be a requirement for the affordable housing component to be imposed on any units beyond the code mandated requirement. Due to the cost of affordable housing construction and impacts on gross revenue and net profit, the developments in question generally only come from non-profit organizations, providing long-term or permanent affordable housing.

Chairperson Captain stated that the key may be the first few words of the paragraph. Ms. Pyle replied that many processes would go into a contract coordinated with ARCH with traditional tenant laws in place. Chairperson Captain asked for clarification that developments were not meant to be tenement housing as in Chicago and Ms. Pyle replied correct. The most recent to take advantage of the incentive were the Imagine Housing Project and the Together Center.

Commissioner Rajpathak asked if the five-year limit would change if a buyer is not found for ARCH housing, opening the purchase opportunity to the rest of the community at a market price. Ms. Pyle replied no, affordable housing policies have varying timeline requirements for different applications; the package being discussed is part of a clean-up package and not substantive in nature. Items being brought forward in the clean-up package do not change in any way the intention or deployment of code and are meant only to provide clarification. The language does not create additional outcomes beyond restrictions in the code.

Ms. Dietz asked if the item could be considered closed for the Issue Matrix, and Chairperson Captain replied that the issue regarding the five-year period was closed by Commissioner East and asked Commissioner Shefrin if the issue could be closed. Commissioner Shefrin replied that the elaboration was appreciated and that the issue could be closed.

Commissioner Rajpathak asked for clarification regarding why the issue had been included in the corrections. Ms. Dietz replied that there had been a phrasing, *Fee shall*, suggesting vagueness. Staff included the word *The* in front of *fee* to emphasize that the fee being discussed is the Fee Exemption scenario. Another was regarding affordability, a lack of clarity around what threshold was being used to honor the fee exemption. Additional language regarding the level of affordability was included to ensure that there was affordability being provided in order to appreciate the fee exemption.

Chairperson Captain asked for clarification that the entire clean-up exercise was not changing any code and only cleaning grammatical points for discussion. Ms. Dietz replied correct.

Ms. Dietz stated that one additional item had been asked during the last Study Session on October 21, 2020 by Commissioner Rajpathak regarding the Overlake build-to line. The recommendation by staff was to provide a unit of measure in the code where it previously referenced the build-to line with a certain number though did not indicate inches or feet. The measurement is of feet. Questions raised included where a developer would locate the line and how building projections would relate to such line. The build-to line is measured from the property line that is located via a professional survey. Implementation varies from zone to zone. Currently the build-to line is referenced in the Overlake and Marymoor Village Neighborhood Plans and corresponding code.

Commissioner Rajpathak asked for clarification that a pedestrian overhang could reach the property line, looking at a diagram slide. Ms. Dietz replied that there are other conditions that would come into play such as a dimension requiring fire sprinkling. Ms. Pyle replied that weather protection is limited to a maximum of 48 inches within the building set-back point. Permanent or fixed overhangs are not allowed within a certain area even within the property line to ensure clearance for utility maintenance. Commissioner Rajpathak stated being satisfied to close and expressed that the information had been helpful.

Ms. Dietz stated that the questions from the October 21, 2020 Study Session had been addressed and asked if there were additional issues for the Issues Matrix. There were no further questions and Chairperson Captain closed the Public Hearing.

Ms. Dietz stated that the next Study Session would be November 18, 2020 and a draft recommendation would be provided in Commissioner packets. Ms. Frey replied that the Commission could choose Report Approval on November 18, 2020 and that the extra December 2, 2020 meeting has been cancelled, so the next opportunity would be the regular December 9, 2020 meeting. Vice Chairperson Nichols asked if the vote could be held at this meeting with Report Approval on November 18, 2020, and Ms. Frey replied that because the October 28, 2020 agenda did not advertise, further action should be listed on the agenda for November 18, 2020.

Review of Procedures

Virtual Meeting Protocols

At the Planning Commission annual meeting on September 30, 2020, the Commissioners reviewed and discussed updates to the Virtual Meeting protocols.

Commissioner East asked, in regard to the draft by staff, for clarification regarding submission of materials by applicants; wording may need to be stronger emphasizing that there is a risk of the Commissioners not having time to review if materials are submitted after a certain period prior to the meeting. Chairperson Captain stated agreement and expressed that receiving materials on the same day as a meeting was not fair to the Commissioners or applicant. Commissioner Knopf replied that the statement could be *Materials should be provided a minimum of 72 hours prior to the meeting to ensure Commissioners have time to review those materials; materials provided later may not be read*. Chairperson Captain stated that a combination of wording from Ms. Frey and Commissioner Knopf would be good. Ms. Frey suggested that *a minimum of* be struck and

Chairperson Captain agreed. Commissioner Knopf stated that *Materials received after that time may not be reviewed prior to the meeting* should be included, and Chairperson Captain agreed that *there may not be an opportunity* should be struck. Commissioner East stated that *may not* actually should be included as the Commission would still attempt to accommodate the materials, but not at the last minute. Chairperson Captain stated that the question is not only time to read but for digesting the information and considering the subject matter. Commissioner Knopf agreed. Commissioner Shefrin asked if replacing the word *should* with *shall* would emphasize the importance of the timeline of 72 hours prior to the meeting. Ms. Frey read the new verbiage; *Materials shall be provided 72 hours prior to the meeting to ensure the Commissioners have time to review those materials before the meeting and consider them in their deliberations. Materials received after that time may not be reviewed prior to the meeting.* Commissioner Rajpathak asked if there is a distinction between materials from staff and public. Chairperson Captain replied that the key is the applicant; an example being an applicant in the past who provided materials and opinions literally at the meeting on two separate occasions, unfair to the Commissioners who need to be able to discuss and debate. Public feedback is not being addressed but rather applicant materials. There are no restrictions for public comment. Ms. Frey replied that each meeting agenda has instructions published at top for the public regarding how to participate and comment; the depth of information and detail from an applicant is usually more significant, possibly several pages. Chairperson Captain stated that the Commission can be flexible in different situations, but boundaries need to be set. Commissioner Knopf offered another line, *Applicants with materials for the Commission must provide them 72 hours prior to the meeting via (email address) to ensure time for review and consideration. Materials received after that timeframe may not be examined.* The Commissioners agreed on the line by Commissioner Knopf. Vice Chairperson Nichols stated that while the line is being set for virtual meeting protocols, the section also needs to be transferred to Planning Commission rules. Commissioner Knopf clarified that *(email address)* needs to be the actual email address.

Commissioner East stated that as staff should be recognized in Minutes. Chairperson Captain agreed and suggested the current Chairperson list names of staff present at the beginning of the meeting. Ms. Frey replied that a list of staff present can be provided to the Chairperson before the meeting begins.

No further edits were suggested, and Ms. Frey asked for a Motion to accept the edits to 8D.

MOTION by Vice Chairperson Nichols to adopt the Planning Commission Virtual Meeting Protocols as amended in section 8D. MOTION seconded by Commissioner East. MOTION passed unanimously.

Ms. Frey stated that a clean version would be forwarded to Commissioners.

Review of Planning Commission Rules

Ms. Frey suggested an approach to updating the Commission rules could be that one or two Commissioners work with Ms. Frey as a sub-committee to review edits and conversations which need to be brought back to the Commission. Commissioner Knopf and Commissioner East volunteered. Ms. Frey stated that all conversation will need to be directly with Ms. Frey and not

between Commissioners for quorum reasons. Ms. Frey would bring emailed comments from Commissioners to the meeting with Commissioner Knopf and Commissioner East. Ms. Frey would be a facilitator in the conversation. Chairperson Captain and Vice Chairperson Nichols agreed. Commissioner East stated that the Commission rules are outdated particularly in regard to virtual meetings and as virtual meetings may be preferred into the future, the virtual piece should be included. Chairperson Captain encouraged each Commissioner to review the rules and agreed with Commissioner East that the rules are outdated.

Commissioner Varadharajan stated concern regarding comments from the public who are not able to be present in a virtual meeting. Ms. Frey replied that the benefits of a physical presence versus calling in was unclear. Chairperson Captain replied that segments of the community are not able to be on a video call.

Commissioner Rajpathak asked for clarification regarding applicants or the public calling in to a virtual meeting. Chairperson Captain replied that the Planning commission Rules should be all encompassing, to cover in-person as well as virtual meetings or taking both aspects into separate consideration but in the interest of keeping the document brief. Ms. Frey asked if Commissioner Rajpathak was referring to rules for only the Planning Commission, or rules for the audience as well. Commissioner Rajpathak clarified that the question was regarding challenges of not being able to turn video on or issues with calling in, applying to both audience and applicants. Ms. Frey replied that if something is not called out in Planning Commission rules, then it can not be done, why virtual meeting protocols had to be adopted this year. If the document had not been adopted, the virtual meetings could not have been held. If a virtual opportunity is desired outside of a pandemic situation, how that happens must be incorporated into Planning Commission rules. Ms. Frey reiterated that a clean version would be forwarded to Commissioners.

Commissioner Varadharajan asked if the Planning Commission rules must be compliant with the Open Public Meetings Act or if the rules will stand alone. Ms. Frey replied that all requirements must be met in the rules and that at a draft point, the clerk would be asked to review for City standards. Nothing can be adopted that is against the Open Public Meetings Act.

Chairperson Captain asked when the process could be expected to be complete. Ms. Frey replied that there are meetings on November 18, 2020, December 4, 2020 and December 9, 2020. The November 18, 2020 meeting will be short to accommodate the Community Workshop. The Planning Commission rules can be placed on the Agenda for the next three meetings. Chairperson Captain asked if rough drafts could be considered online with actual discussion at a meeting in order to save time. Ms. Frey replied that the draft materials would need to be in a packet on an agenda prior to any Motion, but drafting can be done without the draft conversation in public. Vice Chairperson Nichols stated that the length of the process cannot be determined until the scope of the work is known. Ms. Frey asked if a Planning Commission rules preliminary draft should be put on the December 9, 2020 agenda and the Commissioners agreed.

Commissioner East asked for clarification regarding a maintaining a relationship with the Hearing Examiner mentioned in current rules. Chairperson Captain replied that experience of Ms. Frey and Ms. Mesa-Zendt should be tapped. Ms. Frey replied that Hearing Examiners make

quasi-judicial decisions on projects. Redmond staff has a robust process for capturing issues. Vice Chairperson Nichols replied that the Hearing Examiner hears appeals to Council decisions.

Ms. Frey asked that any further issues be emailed.

Chairperson Captain restated that all Commissioners should study the Planning Commission rules and offer opinions to Ms. Frey over the next few days.

Staff and Commissioner Updates

Ms. Frey reminded the Commission that the November 18, 2020 meeting would occur from 6:00 p.m. to 7:00 p.m. and that the public should be encouraged to participate in the Community Workshop following. As many people as possible are needed to attend.

Ms. Frey asked Commissioners to share Redmond 2050 with networks to raise awareness as engagement levels are lower than hoped for.

Commissioner Varadharajan stated having been added to the Redmond 2050 Advisory Committee, the first meeting scheduled for November 12, 2020, and asked if the Commission would like presentations or simple updates. Commissioner Shefrin thanked Commissioner Varadharajan for volunteering and stated that a brief report agenda item could occur. Chairperson Captain suggested the agenda item be located at the end of meetings in Commissioner Updates. Commissioner Varadharajan replied that if a longer update needed to be accommodated for, Ms. Frey would make space on the agenda but that brief updates can be in Commissioner Updates.

ADJOURNMENT:


MOTION to adjourn by Commissioner Knopf. MOTION seconded by Vice Chairperson Nichols. The MOTION passed unanimously.

The meeting adjourned at 8:23 p.m.

Minutes Approved On:

12/12/2020

Planning Commission Chair

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